

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JOHNNY MILTON HOLTON, #171577

PLAINTIFF

vs.

CIVIL ACTION NO.: 3:16-CV-625-HTW-LRA

WARDEN NORRIS HOGAN, et al.

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before this court pursuant to the Report and Recommendation of the United States Magistrate Judge Linda Anderson [**Docket No. 62**]. Based upon the evidence therein contained, this court, finds the Report and Recommendation well taken. Therefore, the Report and Recommendation of the United States Magistrate Judge [**Docket No. 62**] is hereby **ADOPTED** as the order of this court.

In accordance with this Order, Defendant Frank Shaw's Motion for Summary Judgment Based on Plaintiff's Failure to Exhaust Administrative Remedies [**Docket No. 28**], joined in by Defendant Marshall Fisher, is hereby **GRANTED**. Plaintiff's Complaint shall be dismissed without prejudice against Defendants Frank Shaw and Commissioner Marshall Fisher only.

SO ORDERED, this this 17th day of August, 2017.

**s/ HENRY T. WINGATE
UNITED STATES DISTRICT COURT JUDGE**